FARAD CONTINUATION SHEET NO.:

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE

CIVIL APPLICATION NO.434 OF 2007
IN
APPEAL FROM ORDER NO.195 OF 2007

Office Notes, Office Memoranda of coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders.

Mr Upadhyay i/b Mr Ajay Mishra, for the applicant.
Mrs Geeta Jogalekar for the respondent-BMC

CORAM : D.B.BHOSALE,J.
DATED : 23rd November, 2007

P.C.:

Heard learned counsel for the parties.

It appears that this application was adjourned on four earlier occasions at the request of the learned counsel for the applicant. Today once again the similar request is made. I reject the prayer for adjournment.

By this application, the applicant has prayed for restoration of the appeal,which came to be dismissed in default vide order dated 2.4.2007. In that order, the learned Judge, after perusing the file, produced by the corporation, showing the material

regarding the structure in dispute, has observed that the structure has already been demolished and compliance of the order dated 23.3.2007 has been made by the respondents. This has not been and could not be disputed. In the circumstances, I see no reason to allow the prayer made in the application. Hence, this application is rejected.

(D.B.BHOSALE,J.)